

104TH CONGRESS
2D SESSION

H. R. 3696

To amend the Social Security Act to require the Secretary of Health and Human Services to approve or deny on a timely basis an application for a waiver for certain AFDC and Medicaid demonstration projects.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 1996

Mr. PAXON (for himself, Mr. FRISA, Ms. MOLINARI, Mr. KING, Mr. SOLOMON, Mr. WALSH, Mrs. MEYERS of Kansas, Mr. BASS, Mr. HOUGHTON, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Social Security Act to require the Secretary of Health and Human Services to approve or deny on a timely basis an application for a waiver for certain AFDC and Medicaid demonstration projects.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “AFDC and Medicaid
5 Waiver Fairness Act of 1996”.

1 **SEC. 2. ESTABLISHMENT OF DEADLINE FOR APPROVAL OR**
2 **DENIAL OF A SECTION 1115 WAIVER APPLICA-**
3 **TION.**

4 (a) IN GENERAL.—Section 1115 of the Social Secu-
5 rity Act (42 U.S.C. 1315) is amended by adding at the
6 end the following:

7 “(e)(1) In the case of an application under this sec-
8 tion for a waiver of compliance with any of the require-
9 ments of section 402 or 1902, the application is deemed
10 to be complete, as of the end of the 30-day period begin-
11 ning on the date of its submission to the Secretary, unless
12 within such period the Secretary provides written notice
13 to the applicant that states that the application is incom-
14 plete and that specifies the additional information re-
15 quired to complete the application.

16 “(2)(A) Such an application is deemed to be approved
17 as of the end of the period described in subparagraph (B),
18 unless the Secretary provides written notice to the appli-
19 cant before the end of such period that the application
20 is denied.

21 “(B) The period described in this subparagraph is the
22 30-day period beginning on the date the application is
23 complete, but in no case beginning later than 60 days (or
24 such later date as the applicant and the Secretary may
25 agree to) after the date of submission of the application.

1 “(C) Nothing in this paragraph shall be construed as
2 preventing an applicant from withdrawing an application
3 at any time.

4 “(3) In the case of denial of such an application, the
5 Secretary shall transmit, not later than 15 days after the
6 date of the notice of denial, to the Congress and to the
7 applicant an explanation of the specific reasons for such
8 denial, including the factors and data that the Secretary
9 took into consideration in making the final determina-
10 tion.”.

11 (b) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendment made by
13 subsection (a) applies to applications for waivers
14 under section 1115 of the Social Security Act sub-
15 mitted on or after, or pending with the Secretary of
16 Health and Human Services on, the date of the en-
17 actment of this Act.

18 (2) RULES FOR PENDING APPLICATION.—In ap-
19 plying such section with respect to such an applica-
20 tion pending with the Secretary on such date, if the
21 Secretary—

22 (A) has not determined the application to
23 be complete as of such date, the application is
24 deemed to be submitted on such date, or

1 (B) has determined the application to be
2 complete as of such date, the application is
3 deemed to be complete on such date.

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